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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,306	08/02/2001	Robert A. Badley	ISA-064.01	3887
63767	7590	08/11/2006	EXAMINER VENC, DAVID J	
FOLEY HOAG, LLP PATENT GROUP, (w/INVERNESS 155 SEAPORT BLVD. BOSTON, MA 02210-2600			ART UNIT 1641	PAPER NUMBER

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO./CONTROL NO. 09/920,306	FILING DATE 08/02/01	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Bradley et al.	ATTORNEY DOCKET NO. ISA-064.01
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EXAMINER

D. Venci

ART UNIT

PAPER

1641

DATE MAILED:

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**Commissioner of Patents**

Applicants' response filed **May 22, 2006**, is not fully responsive to the Requirement for Restriction/Election set forth in the Office communication mailed **April 19, 2006**.

Applicants are required under 35 U.S.C. 121 to elect ONE peptide sequence from claims 3, 5 and 6 for prosecution on the merits. In other words, Applicants are required to elect ONE peptide sequence from SEQ. ID. NOS: 3, 4, 6-70. Applicants must avoid picking more than ONE peptide sequence.

Since Applicants' reply appears to have been a bona fide attempt to comply with Requirement for Restriction/Election (37 CFR 1.821 - 1.825), Applicants are given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to fully respond to the Requirement for Restriction/Election, in order to avoid abandonment of the application under 37 CFR 1.821(g). **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a)**. In no instance may Applicants' period for reply extend beyond the statutory six month period.

Any inquiry concerning this communication should be directed to D. Venci whose telephone number is (571) 272-2879. If attempts to reach Examiner by telephone are unsuccessful, Examiner's supervisor, Long Le, can be reached on (571) 272-0823.

**LONG V. LE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1600**



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EXAMINER

D. Venci

ART UNIT

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Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)

2. Mailed to:

U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner David Venci whose telephone number is (571) 272-2879.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Long Le. (571-272-0823)

<b>Notice to Comply</b>	<b>Application No.</b> 09/920,306	<b>Applicant(s)</b> Bradley et al.	
	<b>Examiner</b> D. Venci	<b>Art Unit</b> 1641	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequence identifiers (i.e. SEQ. ID. NOS) are missing from the sequences listed in claim 6

**Applicant Must Provide:**

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☐ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510  
 For CRF Submission Help, call (571) 272-2501/2583.  
 PatentIn Software Program Support  
     Technical Assistance.....703-287-0200  
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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**